

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. B-08-241

FERNANDO LEIVA-CHACON

§

**ORDER**

BE IT REMEMBERED on this 4<sup>th</sup> day of August, 2008, the Court reviewed the file in the above-captioned matter and specifically the Report and Recommendation of the United States Magistrate Judge filed April 18, 2008, wherein the defendant Fernando Leiva-Chacon waived appearance before this Court and appeared before the United States Magistrate Judge Felix Recio for the taking of a felony guilty plea and Federal Rule of Criminal Procedure Rule 11 Allocution. The Magistrate Judge recommends that the plea of guilty be accepted by the undersigned, and noting no opposition by defendant Fernando Leiva-Chacon to the Report and Recommendation, the Court enters the following order:

IT IS ORDERED that the Report and Recommendation of the United States Magistrate Judge is hereby adopted. The Court finds the defendant Fernando Leiva-Chacon guilty of the offense of alien unlawfully being present in the United States after having been convicted of a felony and deported, in violation of 8 U.S.C. §§ 1326(a) and 1326(b)(1).

Signed this 4<sup>th</sup> day of August, 2008.



Andrew S. Hanen  
United States District Judge